



U.S. DEPARTMENT of STATE

Antigua and Barbuda

Country Reports on Human Rights Practices - [2003](#)

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Antigua and Barbuda is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a bicameral legislative assembly composed the Government. A Governor General, appointed by the British monarch, was the titular head of state, with largely ceremonial powers. Prime Minister Lester B. Bird's Antigua Labour Party (ALP) has controlled the Government and Parliament since 1976, 5 years before independence. In the 1999 elections, which observers described as free but not fair, the ALP retained power by winning 12 of 17 parliamentary seats. The judiciary is independent.

Security forces consist of a police force and the small Antigua and Barbuda Defense Force. The security forces are responsible for law enforcement, and civilian authorities maintained effective control of them. Some members of the security forces committed human rights abuses.

The country had a mixed economy with a strong private sector. The population was approximately 76,000. Tourism and financial services were the most important source of foreign exchange earnings. The Government was the largest employer, employing approximately 11,500 workers. The country offset a slight decline in tourism since 2000 by borrowing, and its large and growing external debt remained a serious problem. Real economic growth was projected to be negligible for the year, compared to 2.7 percent in 2002. The Labor Commission estimated that the unemployment rate was 11-13 percent at year's end.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. There were allegations of police brutality. Prison conditions were poor, and there were allegations of abuse of prison inmates and sexual harassment of female prison guards. Opposition parties had greater opportunities to express their views through two radio stations; however, the radio station owners continued to report efforts by the Government to limit their access to the public. Societal discrimination and violence against women continued to be problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, there were occasional allegations that the police committed unwarranted killings, usually in connection with apprehension of suspects.

On November 22, police shot and killed escaped convict Frederick Martin James, who had been serving a 23-year sentence for attempted murder. According to police, James was armed with a gun and opened fire when they tried to apprehend him. At year's end, the Director of Public Prosecution (DPP) ordered an inquest into the circumstances of James' death.

In the case of the May 2002 police killing of Andy "Natty Rough" Francis, the coroner's inquest concluded that the death was a lawful killing.

In the September 2002 case in which Glen Harper died at his home in the Gambles area while police were attempting to subdue him after he beat his father unconscious, the coroner's inquest concluded that Harper's death

was accidental.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the authorities generally respected these prohibitions in practice; however, there were occasional reports of police brutality and threatening behavior and allegations of abuse by prison guards.

In October, police shot bystander Khary Roberts while chasing a suspected burglar in broad daylight. Roberts hired an attorney to take civil action against the police force; at year's end, the police concluded an internal investigation into the shooting but had not made the results public.

Prison conditions were poor. Conditions at the sole, 18th century-built prison worsened considerably after a fire destroyed most of the facility in 1999. The prison remained overcrowded, with 149 prisoners (142 men and 7 women). Prison conditions were inadequate, particularly recreation and rehabilitation facilities. The Rehabilitation Center for prisoners found guilty of committing minor crimes held an additional 13 male prisoners at year's end.

In July 2002, the Government established a task force to investigate and report any inappropriate behavior by management and staff at the prison during the previous 6 months and to investigate allegations of sexual harassment among prison staff and prisoners. While the Government did not make the report public, in September 2002, the Outlet newspaper reported that it called for the Prison Superintendent to step down, citing claims by female prison officers that he had harassed them sexually; charges the Superintendent denied. The Labor Ministry's Permanent Secretary declined to take action on the task force report, based on an analysis by the Labor Commissioner that the report lacked sufficient evidence to support its recommendation that the Prison Superintendent be discharged. Nonetheless, the Prison Superintendent was placed on pre-retirement leave, and his contract was not renewed in May.

Female prisoners were held in a separate section and were not subject to the same problems encountered in the men's prison. There was no separate facility for juveniles, who were housed with adult inmates.

Pretrial detainees were not held in the same area as convicted prisoners.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally respected these prohibitions in practice.

The police force consists of approximately 600 persons (including the fire brigade), and it has disciplinary machinery in place to handle public complaints. Headed by a Police Commissioner, the force has 25 senior officers and 23 inspectors. Independent departments handle immigration and driver licenses, which formerly were part of the police force's responsibilities. The Police Welfare Association has advocated for additional training for the police, particularly in the area of management training for senior officers.

Criminal defendants have the right to a judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. However, members of the opposition United Progressive Party (UPP) asserted that there were instances where this was violated, particularly on Thursdays or Fridays, and that increasingly, arresting and detention officers were unavailable to arrange bail or to expedite the process of releasing detainees.

The law prohibits forced exile, and the Government did not use it in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The Constitution designates the Privy Council in London as the final court of appeal, which is always employed in the case of death sentences. There are no military or political courts.

The Constitution provides that criminal defendants should receive a fair, open, and public trial. In capital cases only, the Government provided legal assistance at public expense to persons without the means to retain a private attorney. Courts may reach verdicts quickly, with some cases coming to conclusion in a matter of days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and government authorities generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, of the press, and other forms of communication, and the authorities generally respected these provisions in practice. Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion, often publishing vigorous criticism of the Government. However, the opposition party alleged that the Government restricted access to electronic media, effectively denying them equal coverage.

The Government owned one of the four general interest radio stations and the single television station. A religious station broadcast without impediment. One of the Prime Minister's brothers owned the second radio station, and another brother was the principal owner of the sole cable television company. The government-controlled media reported regularly on the activities of the Government and the ruling party.

In 2001, the country's first independent broadcast media, the Observer radio station, began operation. It was accessible to all political and religious groups and was utilized occasionally by the Government. The opposition accused the Government of trying to marginalize the Observer radio station by refusing to grant it duty free concessions; ZDK Radio, which is owned by members of the Prime Minister's family, received such concessions. The opposition UPP, which published the Crusader newspaper, also applied for and received a radio license in 2001; its radio station began operation in June.

The Prime Minister filed a defamation suit against the Observer radio station and members of the UPP for widely publicizing the as yet unsubstantiated rape charges brought by Monique Kim Barua against him. The Prime Minister filed this case after Barua's attorneys decided that they could not adequately establish their case and dropped the charges.

The Government continued to restrict the opposition's access to the media, and there continued to be allegations of censorship as the result of subtle coercive pressure by influential persons. For example, owners of the Observer radio station claimed that several large corporations declined to advertise on the station for fear of losing lucrative government contracts. In addition, the Government, citing violations of the Telecommunications Act, revoked the owners' license to operate satellite transmission equipment and seized the equipment. At year's end, the Government withdrew individual charges against the owner, but continued to press charges against the company. The case was heard in court in September 2002, but the judge had not issued a ruling by year's end.

According to the DPP, the police were conducting an internal investigation and an inquest had begun into the May 2002 case in which a lone masked assailant shot and killed the 1-year-old son of fire fighter Eldred Jacobs in a brutal attack at his home that wounded Jacobs and other family members. The newspapers reported that Jacobs, recently transferred from police headquarters, had said on a radio call-in program that he believed in the veracity of allegations of criminal wrongdoing made against the Prime Minister, and that the police would not arrest the Prime Minister because they too were implicated.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly. The police generally issued the required permits for public meetings but sometimes denied them to avert violent confrontations. The opposition held several demonstrations during the year to protest government policies and alleged government scandals. There were no reports of police interference with these demonstrations.

A court convicted and fined one remaining protester among the residents of Bendals arrested in a protest demonstration in 2001 over threats to public health caused by the operation of nearby quarries; the case against the others was dismissed in 2002.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The Government assessed all claims for refugee status or asylum by persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement, but did not routinely grant refugee status or asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through a multiparty political system accommodating a wide spectrum of political viewpoints. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years; these elections must be held by March 2004. The Commonwealth observer group that monitored the last elections reported irregularities in the electoral process and assessed the elections as free but not fair. The Governor General appoints the senators in proportion to the parties' representation in Parliament and with the advice of the Prime Minister and the leader of the opposition.

In the 1999 elections, the ALP retained power by winning 12 of 17 parliamentary seats and capturing 53.2 percent of the popular vote. In June, the ALP majority dropped to nine seats, with the defection of three parliamentarians. Except for a period in opposition from 1971-76, the ALP has held power continuously since 1951. The opposition charged that the ALP's longstanding monopoly on patronage and its influence over access to economic opportunities made it extremely difficult for opposition parties to attract membership and financial support.

In 2002, the Government appointed an Electoral Commission to oversee the registration of voters and upcoming national election, which includes five members. Three of the commission members (including the Chairman) were nominated by the Prime Minister and two were nominated by the opposition party. In preparation for elections, the Electoral Commission registered 42,616 voters (in contrast to the 52,348 in the last election) in a new voter registration process begun in July. This process was highly scrutinized by both parties and outside observers, given that the voters' register was outdated and widely condemned as inflated by observers of the last election. On November 13, the final voters' list was released.

There were no impediments to participation by women in government or politics. The Directorate of Gender Affairs participated in workshops to encourage women to become active in politics. There were no women elected to the 17-seat House of Representatives; there was 1 woman appointed to the 17-seat Senate. There were three female candidates running in the upcoming national elections. In addition, the Speaker of the House of Representatives

and the President of the Senate, both appointed positions, were women. The Attorney General, a Guyanese national resident in Antigua, was the only woman in the Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no governmental restrictions on the formation of local human rights organizations. The Antigua and Barbuda Human Rights Association, chaired by a lecturer at the University of the West Indies, met sporadically. It represents individuals and groups who claimed that their rights had been violated.

The Government's Ombudsman has reviewed an increasing number of cases annually. The Ombudsman is chosen by both houses of Parliament; a resolution sets the term length. The current Ombudsman's term is 10 years or until age 70, whichever occurs first. The Office of the Ombudsman operates independently of the judiciary and the Director of Public Prosecutions; however, recommendations for trial must be approved by the DPP. The Ombudsman's office has the authority to pursue a recommendation through the ministry involved, directly with the Prime Minister, and ultimately may take the matter to Parliament. The Ombudsman, Hayden Thomas, reported that 90 percent of the cases he pursued were resolved successfully by contact with the concerned ministries. The Ombudsman makes recommendations to the Government based on investigations into citizens' complaints; however, the ministries were often slow to implement his recommendations.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally respected these provisions in practice.

Women

Violence against women was treated as a matter of public concern, and nongovernmental social welfare groups focused on the problem. Women in many cases were reluctant to testify against their abusers. A 1999 Domestic Violence Act prohibits and provides penalties for domestic violence, as well as rape and other sexual offenses. Organizations such as the Government's Directorate of Gender Affairs sought to increase women's awareness of their rights under the law in cases of domestic violence. The Directorate of Gender Affairs instituted a domestic violence program that included training for police officers, magistrates, and judges. The Directorate also ran a domestic abuse hotline and worked with a nongovernmental organization (NGO) to provide safe havens for abused women and children. There were a number of active NGOs that addressed issues affecting women.

Prostitution is prohibited, but it was a problem.

Sexual harassment is illegal, but it was rarely prosecuted. According to the Labor Department, there was a high incidence of sexual harassment reported by employees in both the private and public sectors.

While the role of women in society is not restricted legally, economic conditions in rural areas tended to limit women to home and family, although some women worked as domestics, in agriculture, or in the large tourism sector. Women were well represented in the public sector; 54 percent of the public service and over half the permanent secretaries--the most senior positions--were female. In addition, 41 percent of the bar association members were female.

The Professional Organization for Women of Antigua was a networking and resource group for female executives. It held seminars for women entering the workforce during the year.

Children

While the Government repeatedly expressed its commitment to children's rights, its efforts to protect those rights in practice were limited. The Government provided education for children through the age of 16; it was free, universal, and compulsory. However, schools faced many shortages, and parents typically provided desks and chairs for their children. Although shared textbooks were provided, parents often purchased books; parents also must provide uniforms. Children had access to health care and other public services.

Child abuse remained a problem. The age of consent is 16 years. In 2001, the police uncovered a child pornography and prostitution ring, and high-ranking members of society reportedly were implicated. A task force

with representatives from both the government and nongovernmental sectors was created to investigate the matter. No cases have been prosecuted; several were dismissed because the complainant failed to appear.

Persons with Disabilities

No specific laws mandate accessibility for persons with disabilities, but constitutional provisions prohibit discrimination against the physically disabled in employment and education. There was no evidence of widespread discrimination against persons with disabilities, although the Government did not enforce the constitutional anti-discrimination provisions. In 2002, there was one complaint that a person was not hired due to a disability; the Labor Commission resolved this case and determined the complaint was not valid because of the nature of the job. The Commission did not receive any complaints during the year.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to form labor unions. Approximately 75 percent of workers belong to a union, and the hotel industry was heavily unionized. There were two major trade unions: The Antigua and Barbuda Trades and Labour Union (ATLU) and the Antigua and Barbuda Workers' Union (AWU). The ATLU was associated with the ruling ALP, while the larger and more active AWU was allied rather loosely with the opposition.

The law prohibits anti-union discrimination. The Labor Commission may require employers and employees to submit to mediation if antiunion discrimination is alleged. However, the mediator's recommendations are not binding, and either party may seek recourse to the courts. Employers found guilty of anti-union discrimination are not required to rehire employees fired for union activities. On February 5, the Government ratified International Labor Organization (ILO) Convention 100 (Discrimination in Employment).

Unions are free to affiliate with international labor organizations, and they did so in practice.

b. The Right to Organize and Bargain Collectively

Labor organizations were free to organize and bargain collectively.

The Labor Code recognizes the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, and petroleum workers, in addition to health and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, strikes are then prohibited under penalty of imprisonment. Because of the delays associated with this process, unions often resolved labor disputes before a strike was called. In addition, an injunction may be issued against a legal strike when the national interest is threatened or affected. The ILO's Committee of Experts repeatedly requested the Government to amend certain paragraphs of the 1976 Industrial Courts Act and the extensive list of essential services in the Labor Code, asserting that these provisions could be applied to prohibit the right to strike.

Most sectors of the public work force experienced payment delays of at least 6 weeks during the summer and fall, which caused widespread public frustration and precipitated crippling strikes and "sick-outs" by air traffic controllers, port authorities, prison officials, and teachers. By year's end, the Government had made arrangements to address these late payments and no subsequent strikes occurred.

There are no export processing zones, but there are free trade zones that facilitated services such as international banking and gambling. The Labor Code applied equally to workers in these zones as elsewhere in the country.

c. Prohibition of Forced or Bonded Labor

The Constitution forbids slavery and forced labor, including that by children, and they did not exist in practice.

d. Status of Child Labor Practices and Minimum Age for Employment

The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education

Act. In addition, persons under 18 years of age must have a medical clearance to work and may not work later than 10 p.m. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The Labor Commissioner's Office also had an Inspectorate that investigated exploitative child labor matters. In September 2002, the Government ratified ILO Convention 182 on elimination of the worst forms of child labor.

e. Acceptable Conditions of Work

The Labor Code provides that the Minister of Labor may issue orders, which have the force of law, to establish a minimum wage. In 2002, a tripartite committee of representatives from employers, employees, and government met and recommended changes to the minimum wage. In December 2002, the Minister of Labor increased the minimum wage and set it at \$2.22 (EC\$6.00) an hour for all categories of labor. The minimum wage provided a barely adequate standard of living for a worker and family, and in practice the great majority of workers earned substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, 6-day workweek, but in practice the standard workweek was 40 hours in 5 days. The law stipulates that workers receive a minimum of 12 days of annual leave. The law requires employers to provide maternity leave with 40 percent of wages for 6 weeks of leave, while social service programs provide the remaining 60 percent of wages. The employer's obligation ends after the first 6 weeks, but social services continue to pay 60 percent of wages for an additional 7 weeks, for a total of 13 weeks.

The Government has not yet developed occupational health and safety laws or regulations, but a section of the Labor Code includes some provisions regarding occupational safety and health. Plans to incorporate comprehensive legislation on safety, health, and the welfare of workers into the existing Labor Code have not been implemented. Although not specifically provided for by law, workers may leave a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons. Although there were no reports that persons were trafficked to, from, or within the country, an Antiguan task force evaluating the Antiguan passport office determined that passports could be fraudulently obtained, raising the possibility that fraudulent passports could be used to facilitate migrant smuggling or trafficking in persons.